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FCC MAIL ROOM

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January 28, 1997

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Office of the Secretary  
Federal Communications Commission  
Room 222,  
1919 M Street, NW  
Washington DC 20503

Dear FCC Representative:

**RE: IB DOCKET # 95-59 & IB DOCKET # 96-34**

**FCC 96-328 CS DOCKET NO. 96-83**

I am responding to the Notice of Proposed Rule making on Section 207 of the Telecommunications 1996 and specifically "Restrictions on Over-the-Air Reception Devices". And Preemption of local zoning regulation of Satellite services - Direct Broadcast Satellite. IB DOCKET NO 95-59 IMPLEMENTATION OF SECTION 207 AND IB DOCKET NO. 96-34.

I am concerned about limitations placed on residents of the Apartment complex in which I live. Residents were first allowed to install a satellite TV dish and then told that they would have to take it down and all other residents were told that the lease prohibited them from installing or causing to be installed a satellite dish. (The small dish about 18 inches . )

The apartment complex just signed a contract with TCI to install cable here at the complex -after about 15 years of waiting.

The owner of the apartment complex is the Hilarita Tiburon Ecumenical Association , a Community Based organization and nonprofit that has eighteen board members. Nine of the board members are residents here. The Community based organization that "owns" the apartment complex was formed to buy the property with HUD through the title VI process to preserve affordable housing. It has section 8 contracts.

First question is - do the residents in this complex by the virtue of the fact of having nine residents elected by all of the residents to represent them on the board which governs the apartment complex have "have a direct or indirect ownership interest in the property" and thus automatically covered by Section 207?

Or are we just tenants? About which the commission is taking more comments and deliberation?

In regard to tenants: Should the landlord decide that we may not have Satellite TV via a dish antenna because of aesthetic considerations alone? Or because he prefers to have cable or no installation. Or do renters have the right to hook up to the internet via antenna, get programming in their native language, have e-mail capabilities or must they just accept the landlords decision that it is inconvenient for him to allow antennas to be installed for this service. Isn't this akin to the landlord saying the telephones may not be installed because the apartment walls may have to be modified - holes dug in the wall etc. Or does the American citizens right to be informed and communicate with the larger community take precedence over the the preference of the landlord?

If the right to one service provider over the other is enforced by the landlord's whim or service denied altogether then many millions of Americans will be denied a very basic right, and in the information age, necessity to participate in democracy. The right in question is the right to be informed and the right to choose the medium of communication.

How can citizens participate in the culture and economy and political life of this country today without the choices that the landed citizen enjoys? Are we to devolve into a two tier society divided by communications technological access?

If landlords are left to decide on their own if their tenants will be allowed to have access or not - a very basic right will be taken away from the citizen. The right to be informed and partake in the information culture on the same level as every other citizen.

Certainly there must be some consideration for the landlords concerns but weighed against the rights and needs of a citizen under the constitution and in a free market democracy the landlords rights weigh significantly less than the citizens.

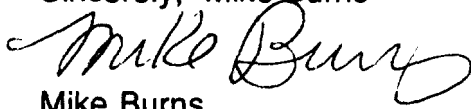
If we are to provide access and prevent restrictions let us not decide to leave out those who do not own land or houses outright - that would be a grievous mistake. A mistake that those who wrote the constitution and founded the country managed to avoid.

If a landlord objects to the antenna installation let him protest and set out **reasonable** causes why he does not want to allow it to be installed. If he can justify that his reasons are sufficient hardship then he should be allowed to prevail. Otherwise the citizen (renter)'s rights and public good should be allowed to prevail.

Who can foretell the future with accuracy - we may be communicating with e-mail and video conferencing and telecommuting over these dish antenna's and should a mere landlord have the right to deny this basic right due to lack of goodwill or enlightened self interest or by mere arbitrary whim? Unless the basic right of the citizen is clearly outlined in the regulations millions of renters will be left out. The peoples right to know and to communicate far outweighs an individual landlords sense of aesthetics or property rights. When a landlord puts his property out to rent for human habitation he must provide for the basic human functions that distinguishes us as a species - the urge and necessity to communicate is a uniquely human urge. I urge you to treat all

citizens equally under the law and to spell it out clearly in order to avoid mass uncertainty and certain injustice.

Sincerely, Mike Burns

A handwritten signature in black ink that reads "Mike Burns". The signature is written in a cursive, flowing style with a large, prominent "M" and "B".

Mike Burns

cc: Congressional Representatives